

Message Text

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C O N F I D E N T I A L GENEVA 6328

E.O. 11652: GDS

TAGS: PFOR, CSCE,XG,

SUBJ: CSCE: BASKET III -- THE MUTUALLY ACCEPTABLE CONDITONS
ISSUE

1. WE EXPECT INCREASINGLY CONTENTIOUS DISCUSSIONS HERE OVER THE CONCEPT OF "MUTUALLY ACCEPTABLE CONDITIONS" (FAMILIARLY KNOWN AS MAC) IN THE HUMAN CONTACTS SUBCOMMITTEE. PHRASE APPEARS AS FOLLOWS IN MANDATE OF HUMAN CONTACTS SUBCOMMITTEE IN THE HELSINKI FINAL RECOMMENDATIONS (PARA 46):

"WITH A VIEW TO CONTRIBUTING TO THE FAVOURABLE EXAMINATION AND SETTLEMENT OF RELEVANT MATTERS BY THE STATES CONCERNED UNDER MUTUALLY ACCEPTABLE CONDITIONS, IT SHALL PAY PARTICULAR ATTENTION T:"

THE ISSUE NOW IS HOW THAT PHRASE SHOULD BE REFLECTED IN CSCE FINAL TEXTS ON HUMAN CONTACTS.

2. THE MAXIMUM SOVIET POSITION IS THAT CSCE AGREEMENTS ON
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HUMAN CONTACTS CAN BE INDICATIVE ONLY AND MUST RECEIVE THEIR

PRACTICAL IMPLEMENTATION UNDER BILATERAL AGREEMENTS TO BE NEGOTIATED LATER BETWEEN INTERESTED STATES. MOST WESTERN ALLIES, IN CONTRAST, TAKE POSITION THAT PARA 46 IN HELSINKI BLUE BOOK MEANS THAT HUMAN CONTACTS DOCUMENTS SHOULD BE NEGOTIATED IN CSCE FRAMEWORK IN CONFORMITY WITH MAC PRINCIPLE. ONCE AGREED, CSCE TEXTS WILL IMPLY A MORAL AND POLITICAL OBLIGATION ON STATES TO IMPLEMENT THEM WITHOUT A FURTHER ROUND OF BILATERAL NEGOTIATIONS. THIS UNDERSTANDING OF THE BLUE BOOK PHRASE WAS STATED IN HELSINKI AT TIME OF AGREEMENT WITH NO OBJECTION BY THE SOVIETS. PRIVATELY, HOWEVER, MANY WESTERN DELEGATIONS RECOGNIZE THAT THEY WILL ULTIMATELY HAVE TO SETTLE, AS IN HELSINKI, FOR AN AMBIGUOUS TEXT SUSCEPTIBLE TO CONFLICTING INTERPRETATIONS.

3. SOVIETS RECENTLY INTRODUCED FOLLOWING DRAFT ON MAC TO BE INSERTED IN INTRODUCTION TO HUMAN CONTACTS AGREEMENTS:

"WITH A VIEW TO CONTRIBUTING TO THE FAVOURABLE EXAMINATION AND SETTLEMENT OF RELEVANT MATTERS BY THE STATES CONCERNED UNDER MUTUALLY ACCEPTABLE CONDITIONS AND GUIDED BY EXISTING PRACTICE, WHICH COULD BE IMPROVED WITH ACCOUNT BEING TAKEN OF THE OBJECTIVES OF THIS CONFERENCE, THE PARTICIPATING STATES DEEM IT DESIRABLE TO STRIVE FOR THE FOLLOWING." SOME ALLIES CLAIM THAT THIS IS NOT ONE MAC BUT SEVERAL BECAUSE IT CONTAINS A NUMBER OF PHRASES THAT WOULD DEPRIVE CSCE TEXTS ON HUMAN CONTACTS OF ANY PRACTICAL EFFECT. SOVIET AMBASSADOR DUBININ HAS RECOGNIZED, IN PRIVATE CONVERSATIONS, THAT THIS TEXT IS NEGOTIABLE AND HAS INDICATED THAT THE SOVIETS ARE PREPARED TO BE "VERY FLEXIBLE" ON LANGUAGE.

4. EC-9 POSITION ON MAC IS CONTAINED IN DANISH DRAFT INTRODUCTION TO HUMAN CONTACTS SUBCHAPTER (GENEVA 5917) AND READS AS FOLLOWS:

"DETERMINED TO IMPROVE THEIR EXISTING PRACTICES IN ACCORDANCE WITH THE DECISIONS OF THE CONFERENCE AND UNDER FUTURE ARRANGEMENTS ALSO TO BE MADE UNDER MUTUALLY ACCEPTABLE CONDITIONS" DUBININ, IN CORRIDOR CONVERSATIONS, HAS REJECTED THIS LANGUAGE OUT OF HAND. HOWEVER, THE NINE BELIEVE THEY CANNOT MOVER VERY FAR FROM THE DANISH FORMULA WITHOUT IN EFFECT GUTTING CSCE AGREEMENT ON HUMAN CONTACTS.

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5. NINE ALSO SUSPECT THAT SOVIETS MAY EVENTUALLY TRY TO EXTEND THE MAC FORMULA WORKED OUT UNDER THE HUMAN CONTACTS RUBRIC TO ALL BASKET III TEXTS, EVEN THOUGH THE HELSINKI BLUE BOOK OFFERS NO BASIS FOR ARGUING THAT THIS SHOULD BE DONE.

6. ISSUE WILL CONTINUE TO COME UP PERIODICALLY FOR DISCUSSION

IN HUMAN CONTACTS SUBCOMMITTEE. THE ASSUMPTION HOWEVER IS THAT IT CAN BE RESOLVED ONLY IN CONTEXT OF PACKAGE DEAL EMBRACING ALL FIVE ISSUES NOW BEING DISCUSSED IN PARALLEL: MAC, HUMAN CONTACTS INTRODUCTION, FAMILY REUNIFICATION, MARRIAGE, AND TRAVEL. PRESENT EXPECTATION IS THAT NEUTRALS WILL PUT FORWARD A PROPOSED PACKAGE DEAL ON HUMAN CONTACTS, COVERING THESE FIVE TOPICS, TOWARD THE END OF THIS MONTH.DALE

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